

## **DETERMINATION OF MISUSE AND ACTUAL COSTS**

**6772**

(No. 69 March 1997)

The head of each agency shall determine, under the provisions of DPA Section 599.804, the amount of actual costs and enforcement of the collection of costs attributable to misuse. Money collected from an employee shall be credited to the fund supporting the operation of the misused vehicle.

Within thirty calendar days after an agency reasonably believes a state vehicle has been misused by an employee, or after the agency has been notified by the Department of General Services of an alleged misuse, a representative designated by the agency head shall, without a formal hearing, initiate and complete a preliminary investigation to determine the following:

- Whether or not a misuse occurred.
- Who is responsible for the misuse.
- Whether or not punitive action should be taken and, if so, what action is recommended.
- The actual costs attributable to such misuse, unless the misuse is not reasonably ascertainable at the time of the preliminary investigation's completion, in which event they shall be determined in accordance with DPA Section 599.805.

Any employee involved in a reported misuse shall, during the course of the investigation, be given an opportunity to explain, and shall be fully advised of, any allegations or facts uncovered by the investigation. Within five days after concluding the investigation, the agency's representative shall write a preliminary decision on a form furnished by DGS, together with a report of the investigation, and provide a copy of both to the employee. At the same time the representative shall send a copy of both to the agency head and to DGS. If the employee named in the decision is exempt from civil service, DPA shall also receive a copy of both the decision and report of investigation.

The employee shall have ten days from the service of the decision and report within which to file a written request for review with the agency head. If, however, punitive action is taken, the 10-day appeal period and the review time provided in DPA Section 599.804 shall not commence until the punitive action is final.

When such a request is filed, the agency head shall review the preliminary decision or, in the absence of a request, review it on his/her own motion.

The agency head shall either approve, reverse or modify the preliminary decision. The action of the agency shall be set forth in writing and a copy served upon the employee. This shall constitute the agency's final decision and become effective 30 days after it is served upon the employee.

If the preliminary decision is not reviewed under the foregoing sections and no punitive action is taken, the preliminary decision shall constitute the final decision and become effective 30 days after it is served upon the employee.

DGS shall be sent a copy of the decision within 10 days of its becoming final. If the employee named in the decision is exempt from civil service, DPA shall also be sent a copy of the decision.

If there are two or more independent charges of misuse involving the same employee, such charges may be consolidated under this section at any time prior to the rendering of the agency's final decision.

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